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09/769,526	01/26/2001	Freeland Glen Young III	52493.000133	4921

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Hunton & Williams
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/769,526

Applicant(s)

YOUNG ET AL.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-11, 13-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13-17, 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to an amendment filed by Applicant on 11/5/2005. Applicant added 3 new claims. In light of Applicant's arguments, the examiner withdraws the rejection of the claims based on 35 USC 102 and 35 USC 103. New grounds of rejection of claims 1-5, 7-11, 13-17 and 19-23 are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over information available from the web site of Climark on the product Advisors Assistant (hereinafter Advisors Assistant)(The Examiner notes that the publication date of 9/16/2000 is the latest publication date for the published pages disclosing Advisors Assistant).

As to claims 1, 7 and 13, Advisors Assistant discloses A method for enabling interactive access to and verification of agent commission information using a data processor, said method comprising the steps of:
receiving agent identifying information and agent commission information, wherein said agent identifying information comprises at least one selected from the group consisting of a name, an address, and a telephone number (i.e. stores commission rates in rate

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tables)(see pages 2-5, the Examiner notes that Agent information in the form of name and address is input (i.e. received) in order to generate report as shown on page 5); analyzing the received agent identifying information and agent commission information (i.e. prints agent statements, prints management reports)(pages 2-3); saving the agent identifying information and the agent commission information (page 2 and see example on page 5); providing an interactive display of the agent identifying information and the agent commission information (page 5); providing interactive access to a display of detailed agent identifying information (page 5); and providing interactive access to a display of detailed agent commission information (page 5).

Advisors Assistant does not explicitly disclose

sorting agent identifying information and agent commission information.

However, the Examiner takes official notice that it was well known in the electronic arts to sort information or data. The purpose of sorting information or data was to provide a means to display the information in a more logical and user friendly fashion. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within Advisors Assistant for the motivation stated above.

As to claims 2, 8, and 14, Advisors Assistant discloses The method, wherein said agent identifying information further comprises:

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a writing code (page 5).

As to claims 3, 9, and 15, Advisors Assistant discloses The method, wherein said detailed agent commission information comprises:

policy information (page); and

commission detail information (page 5).

4. Claims are 4, 10 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Advisors Assistant and Examiner's use of Official Notice as applied to claims 3, 9, and 16 above, and further in view of Pat. No. 7,143,051, Hanby et al. (hereinafter Hanby).

As to claim 4, 10, and 16, Advisors Assistant discloses The method, wherein said policy information comprises:

a policy number (page 5);

a client name (page 5).

Advisors Assistant does not explicitly disclose policy information including

a product name;

a company name; and

an issue date.

However, Hanby discloses a policy information including product name (i.e. entered coverage information and plan information)(col. 5 , lines 47-48), a company name (i.e. employer information)(col. 5, line 7). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned

limitation within Advisors Assistant for the motivation of providing comprehensive insurance transaction information including information that spans the life of an insurance product and can handle large amounts of data through use of a relational database (col. 2, lines 34-38).

Advisors Assistant and Hanby do not explicitly disclose
Issue date.

However, the Examiner takes official notice that it was well known in the electronic insurance arts to include the issue date of a policy. The purpose of the issue date is to determine the date a company issues an insurance policy. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within Advisors Assistant and Hanby for the motivation stated above.

5. Claims 5, 11, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Advisors Assistant and Official Notice as applied to claims 3, 9 and 15 above, and further in view of Applicant's admission of the prior art.

As to claims 5, 11 and 17, Advisors Assistant does not explicitly disclose the method wherein said commission detail information comprises:

a premium for a policy (page 5).

Advisors Assistant does not explicitly disclose
an estimated commission processing date for a commission;
a face amount of a policy;

a mode for the premium of a policy; and
an issue age of a policy

However, Advisors Assistant discloses printing agent commission statement and management reports showing commissions on a policy by policy basis(page 5).

Furthermore, Applicant admits that these limitations are used in general to determine commissions for agents (page 2 of the specification). Therefore, it would have been obvious to include the aforementioned limitations within Advisors Assistant for the motivation of displaying information that is available and displayed in other windows. In addition, although the limitations of an estimated commission processing date for a commission, a premium for a policy, and a mode for the premium of a policy are not explicitly disclosed, the limitations represent information admitted by Applicant as known in the prior art when determining agent commissions (see specification of page 2).

Therefore, it would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitations within Advisors Assistant for the motivation of displaying information relevant to agents when determining their commissions and incorporating techniques that are typically used to calculate commissions.

6. Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Advisors Assistant as applied to claims 1 and 7 above, and further in view of Examiner's use of official notice.

As to claims 19 and 20, Advisors Assistant discloses agent identifying information including a name and address (see page 5)

Advisors Assistant does not explicitly disclose a telephone number. However, the Examiner takes official notice that it was well known in the electronic insurance arts to include Agent's telephone numbers. The motivation for adding telephone numbers was to provide another means of contact information for the Agent. It would have been obvious of one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within Advisors Assistant for the motivation stated above.

7. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Advisors Assistant and Official Notice as applied to claims 1, 7, and 13 above, and further in view of Hanby.

As to claims 21-23, Advisors Assistant does not explicitly disclose wherein the detailed commission report includes gross commission.

However, Hanby discloses wherein the detailed commission report includes gross commission (col. 8, lines 52-60). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitation within Advisors Assistant for the same motivation stated previously in claim 4.

Response to Arguments

8. Applicant's arguments with respect to claims 1-5, 7-11, 13-17 and 19-23 have been considered but are moot in view of the new ground(s) of rejection. With respect to

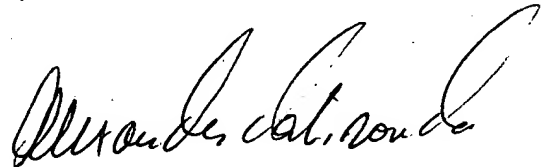
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claims 5, 11, 17. The Examiner notes that Applicant argued that certain claimed features are not known in the prior art. The Examiner notes that in Applicant's specification on page 2, Applicant states that "Insurance agents are generally paid commissions based upon the various terms and conditions of the policies they write and the commission schedules in their sales contracts. Among the pieces of information which may effect the payment and the amount of a commission are: the estimated commission processing date, which determines when a commission becomes payable; the face amount of policy written; the premium paid for the policy; the category or mode of the premium; the issue age of the policy; and the split percentage of the commission, if any. Each of these factors are generally combined by insurance companies to establish a gross commissionable amount which is multiplied by a specific commission rate agreed upon by the agent and the insurance company. By multiplying the gross commissionable amount by the commission rate, insurance companies and their agents generally determine a gross commission which is payable to the soliciting agent." Since the Applicant states that certain factors, as listed on page 2 in the specification, are generally combined by insurance companies to determine gross commissions, the statement is directed to what is generally done in the insurance industry and is a description of the state of the prior art and is not a statement directed to the inventive concept. Therefore, Applicant's arguments directed to the rejection of claims 5, 11, and 17 are not persuasive.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (571) 272-6771. The examiner can normally be reached on Monday to Friday from 10:00 AM to 6:30 PM. If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Alexander Kalinowski, can be reached on (571) 272-6771. The fax telephone number for this group is (571) 273-8300 (for official communications including After Final communications labeled "Box AF").



Alexander Kalinowski

Supervisory Patent Examiner

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1/22/2007